

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 941-A

13 **RAMAN KANUBHI PATEL**
14 **3383 Chamberlain Court**
Walnut Creek, CA 94598
Civil Engineer License No. C 25997

A C C U S A T I O N

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown ("Complainant") brings this Accusation solely in his official capacity
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors ("Board"),
21 Department of Consumer Affairs.

22 2. On or about November 12, 1975, the Board issued Civil Engineer License Number C
23 25997 to Raman Kanubhi Patel ("Respondent"). The Civil Engineer License will expire on
24 March 31, 2012, unless renewed.

25 ///

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

REGULATORY PROVISIONS

4. Section 6775 of the Code states, in pertinent part:

"The board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

...

"(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice."

5. California Code of Regulations, title 16, section 404, subdivision (w), states: "For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, 'negligence' as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing."

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 941-A

13 **RAMAN KANUBHI PATEL**
14 **3383 Chamberlain Court**
Walnut Creek, CA 94598
Civil Engineer License No. C 25997

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown ("Complainant") brings this Accusation solely in his official capacity
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors ("Board"),
21 Department of Consumer Affairs.

22 2. On or about November 12, 1975, the Board issued Civil Engineer License Number C
23 25997 to Raman Kanubhi Patel ("Respondent"). The Civil Engineer License will expire on
24 March 31, 2012, unless renewed.

25 ///

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

REGULATORY PROVISIONS

4. Section 6775 of the Code states, in pertinent part:

"The board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

...

"(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice."

5. California Code of Regulations, title 16, section 404, subdivision (w), states: "For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, 'negligence' as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing."

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

FACTUAL BACKGROUND

8. In or around 2003, Respondent's company, RP Associates, Inc., was hired to perform the structural design for a proposed motel in Healdsburg, California. On or about February 25, 2003, Respondent completed structural calculations for the motel. On or about March 6, 2003, and July 16, 2003, Respondent completed certain structural drawings for the motel. Construction of the motel began in or around 2005. In or around January 2006, a building official for the City of Healdsburg, Scott Ward ("Ward"), performed an inspection at the building site and noticed that the motel contained certain construction deficiencies. In a letter dated March 2, 2006, Ward informed the motel's owner, inter alia, that Respondent

is required to perform a comprehensive structural review and code compliance inspection of all of [the] discrepancies that deviate from the approved set of plans and the structural provisions of the California Building Code. This inspection shall include but not be limited to the foundations, framing and lateral force resisting systems completed to this point [Respondent] is required to provide special inspection services and structural observation for the remainder of the project until [its] completion.

9. On or about May 8, 2006, Respondent wrote a letter to Ward regarding Respondent's structural review and code compliance inspection of the motel. In that letter, Respondent stated that the motel's "roof diaphragm is nailed to roof framing members with 6d nails. The plans call for 8d common nails." Respondent also indicated that he had checked "[t]he roof diaphragm . . . for available diaphragm capacity based on 6d nails. See Calculations Sheet No. M17A and M17B."

10. At the time Respondent sent the May 8, 2006, letter to Ward, neither the roof diaphragm nor the roof framing members had been installed.

11. On or about September 6, 2006, Respondent made a site visit to the motel to inspect the structure's wall framing, shear wall nailing and holdowns, Hardy Frames, and roof and floor diaphragm nailing. Upon inspection, Respondent noticed that the above items needed to be fixed and/or completed. As a result, he provided the contractor with a "punch list" so that the contractor could make the necessary repairs.

12. On or about September 14, 2006, Respondent sent a letter to Ward indicating that he had inspected the motel's wall framing, shear wall nailing and holdowns, Hardy Frames, and roof and floor diaphragm nailing. Respondent also told Ward that "[u]pon completion of the framing shown in the attached sheets, motel construction will be in accordance with the approved plans[.]"

13. On or about September 21, 2006, Ward sent Respondent a letter stating that he had received Respondent's September 14, 2006, letter, and that he had conducted a follow-up inspection of the motel on September 18, 2006. In carrying out that follow-up inspection, Ward indicated that he had discovered seven items that needed to be fixed and/or completed that were not listed in Respondent's September 14, 2006, letter or the attached sheets. Ward then directed Respondent "to conduct another inspection and prepare another report"

FIRST CAUSE FOR DISCIPLINE

(Negligence)

14. Respondent is subject to disciplinary action under section 6775, subdivision (c), of the Code, and California Code of Regulations, title 16, section 404, subdivision (w), for negligence in that Respondent made several errors in his structural calculations dated February 25, 2003, and in his structural drawings dated March 6, 2003, and July 16, 2003.

15. Respondent is further subject to disciplinary action under section 6775, subdivision (c), of the Code, and California Code of Regulations, title 16, section 404, subdivision (w), for negligence in that Respondent informed Ward on or about May 8, 2006, that certain parts of the motel structure had been installed and inspected when none of those parts had been installed as of that date. The circumstances of Respondent's negligence are set forth above in Paragraphs 9 and 10.

16. Respondent is further subject to disciplinary action under section 6775, subdivision (c), of the Code, and California Code of Regulations, title 16, section 404, subdivision (w), for negligence in that Respondent, in carrying out his inspection of the motel on September 6, 2006, failed to notice seven deficiencies in the structure that needed to be fixed and/or completed. The circumstances of Respondent's negligence are set forth above in Paragraphs 11, 12, and 13.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Deceit/Misrepresentation)**

3 17. Respondent is subject to disciplinary action under section 6775, subdivision (b), of
4 the Code for deceit and/or misrepresentation in his practice in that Respondent informed Ward on
5 or about May 8, 2006, that certain parts of the motel structure had been installed and inspected
6 when none of those parts had been installed as of that date. The circumstances of Respondent's
7 deceit and/or misrepresentation are set forth above in Paragraphs 9 and 10.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
11 decision:

- 12 1. Revoking or suspending Civil Engineer License Number C 25997 issued to Raman
13 Kanubhi Patel;
- 14 2. Ordering Raman Kanubhi Patel to pay the Board for Professional Engineers and Land
15 Surveyors the reasonable costs of the investigation and enforcement of this case pursuant to
16 Business and Professions Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18

19 DATED: Jan 6 2010

Original Signed

20 DAVID E. BROWN
21 Executive Officer
22 Board for Professional Engineers and Land
23 Surveyors
24 Department of Consumer Affairs
25 State of California
26 Complainant

27 SF2010201403
28 20318782.doc